

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

RAMONA CLINE, JOLINDA
HILL and JACKSON CLINE,

Plaintiffs,

vs.

SCHMIDT HARVESTING, LLC,
a Kansas limited liability
company,

Defendant.

CV-08-86-BLG-RFC-CSO

FINDINGS AND
RECOMMENDATION OF
UNITED STATES
MAGISTRATE JUDGE

This case was filed in July 2008, but the Complaint was not served on the defendant. In November, the Court allowed Plaintiffs additional time, until January 23, 2009, to serve process on Defendant. See Court's Doc. No. 7. That Order indicated that no further extensions of time to serve process would be granted. Plaintiffs have not filed proof of service of process. The Local Rules require them to do so. See LR 4.3.

On February 10, 2009, the Court issued an Order to Show Cause directing Plaintiffs to appear in writing by February 17, 2009, to show cause why the Court should not recommend that this case be dismissed without prejudice for failure to prosecute. See Court's Doc. No. 8. Plaintiffs did not respond. Accordingly,

IT IS RECOMMENDED that this case be dismissed, without prejudice, for Plaintiffs' failure to prosecute.

NOW, THEREFORE, IT IS ORDERED that the Clerk shall serve a copy of the Findings and Recommendation of the United States Magistrate Judge upon the Plaintiffs. The Plaintiffs are advised that pursuant to 28 U.S.C. § 636, any objections to the findings and recommendation must be filed with the Clerk of Court within ten (10) days after receipt hereof, or objection is waived.

DATED this 19th day of February, 2009.

/s/ Carolyn S. Ostby
Carolyn S. Ostby
United States Magistrate Judge